UNITED NATIONS

E

ECONOMIC AND SOCIAL COUNCIL

Distr.
LIMITED
E/ESCWA/EC.5/2018/11
21 November 2018
ORIGINAL: ENGLISH

Economic and Social Commission for Western Asia (ESCWA)

Executive Committee
Fifth meeting
Beirut, 18-19 December 2018

Item 11 of the provisional agenda

Global Compact for Safe, Orderly and Regular Migration and its relevance to the Arab region

Summary

The Global Compact for Safe, Orderly and Regular Migration (henceforth the Global Compact for Migration), to be adopted in Marrakesh, Morocco, on 10 and 11 December 2018, is an unprecedented milestone in global cooperation towards a common framework that addresses the challenges and opportunities of migration governance. It was built on a State-led, intergovernmental and participatory process that included a consultation phase, a stocktaking phase and an intergovernmental negotiation phase. It reflects a common understanding of the challenges faced by countries and migrants, and a commitment from Member States of the United Nations to work towards achieving a cooperative framework that includes 23 objectives and a range of proposed actions to accomplish those objectives. The Global Compact for Migration acknowledges shared responsibilities to respect, protect and fulfil migrants' human rights, promote the security and prosperity of all communities, mitigate adverse drivers and structural factors that push people to migrate, and reduce the risks and vulnerabilities faced during migration cycles.

Executive Committee members are invited to take note of the developments leading to the adoption of the Global Compact for Migration. They are also invited to take note of the importance of regional cooperation in the implementation of its objectives, and of key areas where the secretariat of the Economic and Social Commission for Western Asia (ESCWA) can offer implementation support, follow-up and review at the regional level, including by providing knowledge and technical expertise, building effective partnerships, and strengthening existing dialogue and consensus-building platforms.

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Introduction

1. The Global Compact for Safe, Orderly and Regular Migration (henceforth the Global Compact for Migration) is an eagerly anticipated milestone in the history of global cooperation on international migration. It is the first United Nations global agreement on a common approach to international migration in all its dimensions. It aims to improve governance and international understanding of migration and to address the challenges and opportunities associated with migration, including its contribution to sustainable development. The Global Compact for Migration is grounded in the principles of State sovereignty, responsibility-sharing, human rights and non-discrimination, and its commitments are people-centred, gender-responsive and child-sensitive.

2. Member States of the United Nations will formally adopt the Global Compact for Migration at the Intergovernmental Conference to Adopt the Global Compact for Safe, Orderly and Regular Migration, to be held in Marrakesh, Morocco, on 10 and 11 December 2018. Following the unanimous adoption of the New York Declaration for Refugees and Migrants by the General Assembly of the United Nations in September 2016, a two-year drafting and negotiation process developed two separate and distinct compacts: the Global Compact for Migration and the global compact on refugees, pursuant to General Assembly resolution 71/280. Member States of the United Nations have undertaken to advance those compacts to ensure that migration is safe, orderly and regular and benefits both migrants and societies.

3. Arab States have actively contributed to the formulation of both compacts. The present document focuses on the Global Compact for Migration; nonetheless, the global compact on refugees is also significant for the Arab region.

I. DEVELOPING THE GLOBAL COMPACT FOR MIGRATION

4. In December 2018, Member States of the United Nations will adopt the Global Compact for Migration, marking the completion of a two-year consultation, drafting and negotiation process and the start of implementation measures to make migration safe and beneficial for all.

5. The development of the Global Compact for Migration began with the New York Declaration, which calls upon Member States of the United Nations to undertake the following:

- Protect the safety, dignity, human rights and fundamental freedoms of all migrants, regardless of their migratory status, at all times;
- Address the drivers and root causes of large movements of refugees and migrants, including forced displacement and protracted crises, poverty, instability, marginalization and exclusion and the lack of development and economic opportunities, with particular reference to the most vulnerable populations;
- Support countries rescuing, receiving and hosting large numbers of refugees and migrants;
- Integrate migrants in humanitarian and development assistance frameworks and planning, by addressing their needs and capacities and those of receiving communities;
- Combat xenophobia, racism and discrimination towards all migrants;
- Develop, through a State-led process, non-binding principles and voluntary guidelines on the treatment of migrants in vulnerable situations;
- Strengthen the global governance of migration by bringing the International Organization for Migration into the United Nations family and through the development of a global compact for safe, orderly and regular migration.

6. The development of the Global Compact for Migration consisted of a State-led, intergovernmental and participatory process supported by the Special Representative of the Secretary-General for International Migration. The preparatory process involved the following three phases: the consultation phase, the stocktaking phase, and formal country negotiations. The inclusive approach of the consultative and stocktaking phases involved participation from Governments, United Nations organizations, civil society, the private sector, academic institutions, parliaments, diaspora communities and migrant organizations. This process resulted in the final negotiated text of the Global Compact for Migration, thus ensuring that it rests on internationally recognized and State-supported principles.

7. Member States of the United Nations agreed that the Global Compact for Migration should be non-binding. Instead, it reflects State commitments to facilitate migration for the benefit of all. The Global Compact for Migration upholds national sovereignty, the rule of law and due process; and acknowledges that international cooperation, through a whole-of-government and whole-of-society approach, is key to ensuring that migration has a positive impact for countries and migrants alike. Moreover, it emphasizes the need for coordinated cross-sectoral approaches to migration governance that engage State and non-State actors.

8. The Global Compact for Migration also acknowledges migration's core relevance to sustainable development. Fully aligned with the 2030 Agenda for Sustainable Development, which recognizes that migration is a "multidimensional reality of major relevance for the sustainable development of countries of origin, transit and destination", the Global Compact for Migration advocates the nexus of migration and development to achieve inclusive and sustainable development and to reach those who are most in need.

A. Consultation phase

9. Phase I of the preparatory process for the Global Compact for Migration was the consultation phase,[1] which included the following:

- Thematic sessions;
- Regional consultations;
- Stakeholder consultations.

1. *Thematic sessions*

10. Between April and November 2017, six thematic sessions[2] were held on facilitating safe, orderly and regular migration, with the following themes: human rights, social inclusion and discrimination; drivers of migration; international cooperation and governance; contributions of migrants and diaspora to sustainable development; smuggling and trafficking of persons and contemporary forms of slavery; and addressing irregular migration and regular pathways.

2. *Regional consultations*

11. Regional consultations[3] took place between August and November 2017, bringing together Member States of the United Nations at the regional and subregional levels to provide input on priorities and issues to be addressed in the Global Compact for Migration. United Nations regional commissions facilitated their member States' involvement in the regional consultations, often in partnership with other United Nations agencies, including the International Organization for Migration. Regional consultations were held for the

[1] The general concept note of the consultation phase is available at https://refugeesmigrants.un.org/sites/default/files/general_concept_note_gcm_13042017.pdf.

[2] Details of the six thematic sessions are available at https://refugeesmigrants.un.org/thematic-sessions.

[3] Details of the regional consultations are available at https://refugeesmigrants.un.org/regional-consultations.

Latin America and Caribbean region in Santiago; for the Arab region in Beirut; for Africa in Addis Ababa; for Europe in Geneva; and for Asia and the Pacific region in Bangkok.

3. *Stakeholder consultations*

12. Consultations with other stakeholders, including migrants, were also facilitated by the United Nations Secretariat. In accordance with General Assembly resolution 71/280, stakeholder participation was maintained during all three preparatory phases. Informal and interactive multi-stakeholder hearings[4] at the global, regional and subregional levels took place in 2017 and 2018. Moreover, regional civil society consultations[5] took place in Asia, the Middle East and North Africa, Africa, North America, Europe, Latin America and the Caribbean, and the Pacific.

B. Stocktaking phase

13. Inputs from the consultations with countries and stakeholders were discussed at a meeting held in Puerto Vallarta, Mexico, from 4 to 6 December 2017. The purpose of the meeting was for participants to make proposals and recommendations on actionable commitments, means of implementation and partnerships, and elements for follow-up and review to be included in the first draft of the Global Compact for Migration. It marked the beginning of phase II of the preparatory process. The stocktaking meeting comprised 136 delegations, with a total of 897 participants from all regions, including 115 non-governmental stakeholders. The stocktaking meeting allowed delegations to consider the six thematic areas from phase I and the different dimensions of migration: human, community, local/subnational, national, regional and global.

C. Negotiation phase

14. Phase III of developing the Global Compact for Migration entailed formal intergovernmental negotiations, which were co-facilitated by Mr. Juan José Gómez Camacho, Permanent Representative of Mexico to the United Nations; and Mr. Jürg Lauber, Permanent Representative of Switzerland to the United Nations. Six rounds of intergovernmental consultations and negotiations took place between February and July 2018, at which countries discussed key issues and concerns to reach a final agreement on the Global Compact for Migration.

Box 1. Global Compact for Migration: development phases

Inception

- **New York Declaration for Refugees and Migrants unanimously adopted by the General Assembly at its seventy-first session,** September 2016

Consultation phase

- **Six thematic sessions,** May-October 2017
- **Regional consultations,** August-November 2017
- **Stakeholder consultations,** 2017 and 2018

Stocktaking phase

- **Stocktaking of outcomes,** December 2017

Negotiation phase

- **Formal intergovernmental negotiations,** February-July 2018

Timeline of drafts

- **Zero draft,** January 2018
- **Zero draft, revision 1,** March 2018
- **Final draft,** July 2018
- **Presentation to the General Assembly at its seventy-third session,** September 2018

Formal adoption, December 2018

[4] Details of the multi-stakeholder hearings are available at https://refugeesmigrants.un.org/multi-stakeholder-hearings-0.

[5] Details of the regional civil society consultations are available at https://refugeesmigrants.un.org/regional-civil-society-consultations.

D. Drafting and revision

15. The revised draft eliminates differentiation between refugees and migrants with regard to exercising their human rights and fundamental freedoms. It sets out 23 objectives under the cooperative framework of the Global Compact for Migration, and further defines its implementation and review process. The negotiated text was finalized on 13 July 2018, and presented to the General Assembly at its seventy-third session held in September 2018.[6]

II. OVERVIEW OF THE TEXT OF THE GLOBAL COMPACT FOR MIGRATION

A. Preamble

16. The preamble covers the legal foundations of the objectives set out in the Global Compact for Migration. It presents States' interests in maintaining the non-binding agreement and underlines the core values and intent of the agreement, including the mutual recognition of migrants' human rights and States' sovereign rights.

17. The preamble states that the Global Compact for Migration rests on international instruments and agreements on human rights and economic, social and cultural rights; treaties against trafficking in persons, organized crime and human smuggling; agreements for fair labour; and the 2030 Agenda. It outlines previous discussions on migration that led to international cooperation on this transnational phenomenon, such as the 2006 and 2013 United Nations high-level dialogues on international migration and development, and the Global Forum on Migration and Development launched in 2007. The preamble also recognizes the important contributions of member States, stakeholders and the report of the Secretary-General entitled "Making migration work for all"[7] to the preparatory process. It underlines the non-legally binding nature of the agreement and its aim to foster international cooperation between all relevant actors.

B. Vision and guiding principles

18. The section entitled "Our vision and guiding principles" outlines a common understanding of challenges faced by countries and migrants, and the need to strengthen knowledge and analysis of migration through improved collection and dissemination of quality data. It acknowledges shared responsibilities between States and the United Nations to address each other's needs and concerns, and to respect, protect and fulfil human rights, while promoting the security and prosperity of all communities, mitigating adverse drivers and structural factors that hinder peoples' ability to maintain sustainable livelihoods in their own countries, and reduce risks and vulnerabilities faced by migrants. Moreover, it sets out a unity of purpose, which outlines the principles underpinning the Global Compact for Migration.

Box 2. Guiding principles of 'unity of purpose'

People-centred
International cooperation
National sovereignty
Rule of law and due process
Sustainable development
Human rights
Gender-responsive
Child-sensitive
Whole-of-government
Whole-of-society

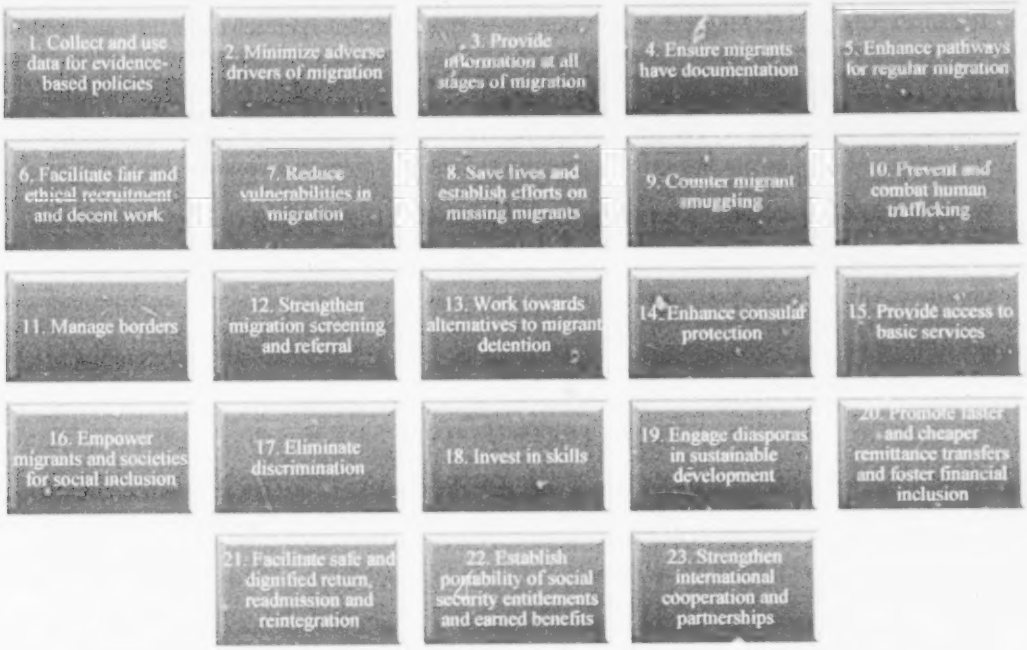
C. Cooperative framework

19. The Global Compact for Migration includes a section entitled "Our cooperative framework," which contains 23 objectives and respective actionable commitments.

[6] The intergovernmentally negotiated and agreed outcome is available at https://refugeesmigrants.un.org/sites/default/files/180713_agreed_outcome_global_compact_for_migration.pdf.

[7] Available at https://refugeesmigrants.un.org/sites/default/files/sg_report_en.pdf.

Box 3. Objectives for safe, orderly and regular migration


1. Collect and use data for evidence-based policies
2. Minimize adverse drivers of migration
3. Provide information at all stages of migration
4. Ensure migrants have documentation
5. Enhance pathways for regular migration
6. Facilitate fair and ethical recruitment and decent work
7. Reduce vulnerabilities in migration
8. Save lives and establish efforts on missing migrants
9. Counter migrant smuggling
10. Prevent and combat human trafficking
11. Manage borders
12. Strengthen migration screening and referral
13. Work towards alternatives to migrant detention
14. Enhance consular protection
15. Provide access to basic services
16. Empower migrants and societies for social inclusion
17. Eliminate discrimination
18. Invest in skills
19. Engage diasporas in sustainable development
20. Promote faster and cheaper remittance transfers and foster financial inclusion
21. Facilitate safe and dignified return, readmission and reintegration
22. Establish portability of social security entitlements and earned benefits
23. Strengthen international cooperation and partnerships

D. Implementation

20. The Global Compact for Migration acknowledges the importance of cooperation between States, and of support from the United Nations system, to successfully implement the objectives. It requests the Secretary-General to build on and employ the United Nations system's technical expertise to support implementation. It calls for ensuring coordinated efforts at the global, regional and country levels to support Member States' implementation efforts. It also assigns a lead coordinating and servicing role to the International Organization for Migration to support coherence and implementation. Furthermore, it recognizes that implementation coordination with migrants, civil society, migrant and diaspora organizations, cities and local communities and other stakeholders is crucial for success.

E. Capacity-building

21. The Global Compact for Migration states that additional capacity-building efforts are required to support implementation and provides for the establishment of a capacity-building mechanism to support Member States. Such a mechanism will allow Member States, the United Nations and other stakeholders, including the private sector and philanthropic foundations, to contribute technical, financial and human resources to strengthen capacity and foster multi-partner cooperation.

22. The capacity-building mechanism will consist of the following:

- A connection hub to facilitate demand-driven, tailor-made and integrated solutions;
- A start-up fund for initial financing for project-oriented solutions;
- A global knowledge platform as an online open data source.

F. Follow-up and review

23. The Global Compact for Migration adopts a multi-stakeholder review approach under the framework of the United Nations, with review forums at the global and regional levels. At the global level, Member States can review the implementation progress and guide the direction of the work of the United Nations at the International Migration Review Forum, to be held every four years beginning in 2022. The Review Forum will replace the High-level Dialogue on International Migration and Development. The Review Forum will result in a progress declaration to be considered by the High-level Political Forum on Sustainable Development.

24. The global level review will be complemented by regional, subregional and cross-regional processes, platforms and organizations, including the United Nations regional commissions and regional consultative processes. Regional reviews, to be held every four years beginning in 2020, and global discussions will inform the International Migration Review Forum. Existing forums, such as the Global Forum on Migration and Development, the International Dialogue on Migration and regional consultative processes, will also contribute to the International Migration Review Forum by providing data, evidence, best practices and recommendations related to implementing the Global Compact for Migration.

III. A FOCUS ON DATA

25. The Global Compact for Migration covers a multitude of migration facets; however, one central theme that is also new to this type of international agreement is data improvement through strengthened collection and dissemination of quality data. Section II of the Secretary-General's report entitled "Making migration work for all" conveys the dangers of migration policies based on discrimination and bias, rather than on human rights protection and evidence-based information.

26. Consequently, one of the core goals of the Global Compact for Migration is to promote data improvement to support evidence-based migration governance for the benefit of countries and migrants alike. Key actions to achieve this objective include the following:

- Harmonizing methodologies for data collection and strengthening analysis and dissemination of migration-related data and indicators;
- Improving international comparability and compatibility of migration statistics and national data systems, including by establishing a statistical definition of an international migrant and elaborating a set of standards to measure migrant stocks and flows;
- Developing a global programme to build and enhance national capacity in data collection, analysis and dissemination;
- Collecting, analysing and using data on the effects and benefits of migration, and on the contributions of migrants and diasporas to sustainable development;
- Supporting development and collaboration between existing global and regional databases and depositories for systematic consolidation of relevant data;
- Establishing and strengthening regional centres for research and training on migration or migration observatories to collect and analyse data;
- Integrating migration-related topics in national censuses to ensure timely analysis and dissemination of results;
- Conducting household, labour force and other surveys to collect information on the social and economic integration of migrants and make data available through public use of statistical microdata files;

- Enhancing collaboration between country units responsible for migration data and national statistical offices, including by using administrative records, while upholding the right to privacy and protecting personal data;

- Developing country-specific migration profiles to develop evidence-based migration policies;

- Cooperating with relevant stakeholders to develop research, studies and surveys on the interrelationship between migration and development.

IV. GLOBAL COMPACT FOR MIGRATION AND THE ARAB REGION

27. The Global Compact for Migration is particularly relevant to the Arab region, where the size of the migrant population expanded by more than 150 per cent between 1990 and 2017. In 1990, over 14 million international migrants lived in the Arab region, compared with over 38 million in 2017.[8] The proportion of migrants to population in the Arab region stood at 9.2 per cent in 2017[9] (with significant disparities across subregions) and is greater than the global average. The Arab region is also a place of origin for human mobility: 29 million people moved from Arab countries in 2017, with over 48 per cent of them (around 14 million) remaining within the Arab region.[10] The number of migrants, the impact of migration, and complex migration trends and patterns across the Arab region, including forced displacement, mean that the Global Compact for Migration is both timely and relevant for all Arab countries.

28. Member States of the United Nations in the Arab region have actively participated in all the preparatory phases of the Global Compact for Migration, including global, regional and subregional consultations. Non-government stakeholders also participated in global and regional stakeholder consultations.

29. Paragraph 22 (a) of General Assembly resolution 71/280 requests the regional economic commissions to cooperate with other relevant United Nations entities, Member States of the United Nations and stakeholders to discuss regional and subregional aspects of international migration and provide inputs to the preparatory process of the Global Compact for Migration. Pursuant to the resolution, the Economic and Social Commission for Western Asia (ESCWA) held the Regional Consultation on International Migration in the Arab Region,[11] in partnership with the League of Arab States and the International Organization for Migration, and in cooperation with members of the Working Group on International Migration in the Arab Region. The Regional Consultation took place in Beirut on 26 and 27 September 2017 and brought together high-level representatives from 16 member States, including government ministers and senior officials, and representatives of United Nations agencies, civil society organizations, the private sector and academia.

30. The purpose of the Regional Consultation was to enhance member States' and other stakeholders' awareness of the global process leading to the adoption of the Global Compact for Migration; to discuss key migration issues, priorities and challenges in the Arab region; and to build a common understanding of the importance of the Global Compact for Migration as a framework to address priorities and challenges in the region. The Regional Consultation addressed the six thematic areas highlighted in General Assembly resolution 71/280, which were also simultaneously discussed at the global informal thematic sessions.

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[8] United Nations, Department of Economic and Social Affairs, "Trends in international migrant stock: the 2017 revision", International migration database. Available at http://www.un.org/en/development/desa/population/migration/data/ (accessed on 1 November 2018).

[9] Ibid.

[10] Ibid.

[11] Details of the Regional Consultation are available at https://www.unescwa.org/regional-consultation-international-migration-2017.

31. The Regional Consultation comprised five thematic sessions, focused on the regional aspects of the following topics:

- Migration drivers, trends and patterns;
- Decent work and labour mobility;
- Protection of migrants in vulnerable situations;
- Migration and development nexus;
- International cooperation and migration governance.

32. Each thematic session consisted of presentations and panel discussions, which included a representative of a member State, of civil society or the private sector, and an expert on migration. The ESCWA secretariat coordinated the research and drafting of regional issue briefs for each topic of discussion, which were provided to participants as evidence-based resources to inform discussions.

33. The results of the Regional Consultation were summarized in an outcome document, in the form of a Summary of key messages,[12] which included key regional priorities and principles. Priorities emphasized by member States included the human rights of migrants, decent work and labour mobility, migration and development, remittances and links with the SDGs, international cooperation and migration governance, addressing drivers of migration, and protection of migrants in vulnerable situations. A common understanding emerged on the importance of the Global Compact for Migration as a comprehensive framework to address global and regional opportunities and the challenges of international migration. The key messages were presented at the stocktaking meeting held in December 2017.

Achieving the Global Compact for Migration: regional collaboration and the role of the regional commissions

34. Successful implementation of the Global Compact for Migration requires significant coordination and capacity-building at the regional level. With the International Organization for Migration leading global coordination, the Global Compact for Migration calls on regional organizations to facilitate its implementation by Member States. In this context, ESCWA is committed to supporting its member States' efforts to operationalize the objectives of the Global Compact for Migration by providing knowledge and technical expertise, building effective partnerships, and enhancing existing dialogue and consensus-building platforms. Such efforts will contribute to enhancing regional ownership, peer learning and experience sharing, and to assessing progress and lessons learned.

35. ESCWA has a long history of coordination with the International Organization for Migration and the League of Arab States through the Working Group on International Migration in the Arab Region. Through this mechanism, member organizations have collaborated to address knowledge gaps on migration in the region. This Working Group produces the only regional documentation on migration trends and patterns specific to the Arab region, entitled the Situation Report on International Migration. The situation reports regionalize global and country-level data from the Department of Economic and Social Affairs, document changes in migration policies by Member States of the United Nations in the Arab region, and provide analysis of relevant thematic topics according to current regional priorities. The next edition of the Situation Report on International Migration will focus on regionalizing the Global Compact for Migration to provide specific action steps and best practices for Member States of the United Nations on select objectives from the Global Compact for Migration.

36. ESCWA aims to support its member States' policy development and coordination efforts in the following areas, in close coordination with the International Organization for Migration and in collaboration

[12] Available at https://refugeesmigrants.un.org/sites/default/files/escwa_summary_of_key_msgs_en.pdf.

with the League of Arab States and other members of the Working Group on International Migration in the Arab Region:

Institutional capacity and preparedness

- Mainstreaming migration into development planning, including in the framework of the 2030 Agenda for Sustainable Development;
- Developing institutional structures, strategies and policy frameworks for migration governance;
- Building the capacity of relevant government counterparts, including through training workshops and technical assistance.

Centralized coordination under the umbrella of a designated body

- Establishing a coordinating authority at the national level that provides policy leadership, supports and monitors initiatives, coordinates projects across the Government to ensure they are aligned with overall strategy, and monitors and reports on results.

Focal points and ownership in all migration-related sectors

- Clearly defining and identifying migration portfolios and responsibilities across relevant institutions;
- Ensuring wide-reaching awareness of migration issues across government sectors and other stakeholders, and identifying focal points for expertise and cooperation.

Whole-of-government approach and mainstreaming

- Bringing together key stakeholders across ministries and government agencies, defining shared needs, and identifying potential gaps and redundancies in designing policies and implementing strategic goals.

Whole-of-society considerations

- Emphasizing the importance of effective cooperation among Governments, the private sector, trade unions, civil society organizations, migrant organizations and other relevant stakeholders, and adopting multisectoral approaches to migration, particularly in complex humanitarian, development and security settings;
- Generating platforms that facilitate dialogue and transfer of knowledge, experience and capacity of civil society, academia and the private sector.

Adequate and detailed data for evidence-based decision-making

- Strengthening the role of national statistical offices and building partnerships among various actors to gather and analyse evidence and data on migration drivers, patterns and trends, disaggregated by age, sex and migration status, among others, to create scientific grounds for the formulation of effective policies on migration;
- Enhancing technical assistance and capacity-building for the collection, analysis, sharing and dissemination of migration-related data across relevant thematic areas.

37. United Nations regional commissions are preparing for the adoption of the Global Compact for Migration at the Intergovernmental Conference to Adopt the Global Compact for Safe, Orderly and Regular Migration, to be convened in Marrakesh, Morocco, on 10 and 11 December 2018. In this context, a side event will be held by regional commissions on 9 December 2018 to discuss the criticality of partnerships for effective global and regional governance of migration, and highlight the regional priorities, opportunities and challenges of implementing the Global Compact for Migration. ESCWA will use this opportunity to renew its firm commitment to its member States to support their efforts and ensure that migration can benefit all.

38. Executive Committee members are invited to take note of the developments leading to the adoption of the Global Compact for Migration. They are also invited to take note of the importance of regional cooperation in the implementation of its objectives, and of key areas where the ESCWA secretariat can offer implementation support, follow-up and review at the regional level, including by providing knowledge and technical expertise, building effective partnerships, and strengthening existing dialogue and consensus-building platforms.